

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARKEL INS. CO.,

Plaintiff,

v.

**CONNOLLY, CONNOLLY, & HEUN, LLP,
et al.,**

Defendants.

Civ. No. 2:17-1885

ORDER

Pending before the Court are Plaintiff's motions for reconsideration (ECF Nos. 19 and 20) as to the Court's Opinion ("Opinion") (ECF No. 14) granting the Substitute Administrators' motion to dismiss and the Amended Order (ECF No. 17) dismissing the non-moving CCH Defendants for failure to provide proof of service. Plaintiff essentially attempts to relitigate issues previously raised and decided in the Opinion and now asserts the Court's Federal Rule of Civil Procedure 4(m) call for dismissal of the non-moving CCH Defendants was improper. The motions for reconsideration will be **DENIED**.

"The scope of a motion for reconsideration . . . is extremely limited." *Blystone v. Horn*, 664 F.3d 397, 415 (3d Cir. 2011). "Such motions are not to be used as an opportunity to relitigate the case; rather, they may be used only to correct manifest errors of law or fact or to present newly discovered evidence." *Id.* (citation omitted). A court may alter its judgment if there is, among other things, "the need to correct a clear error of law or fact or to prevent manifest injustice." *Id.* (citation omitted).

In its motion for reconsideration, Plaintiff provided new evidence to show proof of service. Nevertheless, the Court will dismiss the complaint against the CCH Defendants because "the district court may on its own initiative enter an order dismissing an action provided that the complaint affords a sufficient basis for the court's action." *Minn. Lawyers Mut. Ins. Co. v. Aherns*, 432 F. App'x 143, 147–48 (3d Cir. 2011) (brackets and quotation omitted). The Substitute Administrators moved for dismissal on abstention grounds which the Court granted in its Opinion. Plaintiff opposed abstention. Based on the shared facts common to the Substitute Administrators and CCH Defendants, along with Plaintiff's prior notice and opportunity to contest abstention, the Court will now sua sponte dismiss the complaint against the non-moving CCH Defendants. *See Coulter v. Unknown Prob. Officer*, 562 F. App'x 87, 89 n.2 (3d Cir. 2014) (per curiam).

In the end, although Plaintiff cured the proof of service defect, it seeks to relitigate issues decided in the Opinion. The Court will now dismiss the action against the CCH

Defendants because the decision to abstain applies equally to all Defendants. For these reasons;

IT IS on this 19th day of December 2017, hereby,

ORDERED that Plaintiff's motion (ECF No. 19) is **DENIED**; and it is further

ORDERED that, although Plaintiff's motion (ECF No. 20) included proof of service on the CCH Defendants, like the reasons set forth above and in its previously issued Opinion, it is ultimately **DENIED**.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.